

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.169 OF 2007

IN

WRIT PETITION NO.5391 OF 2007

WITH

CIVIL APPLICATION NO.291 OF 2007

M/s. Rutuja Enterprises

..Appellant.

Vs.

M/s. Aaher Agency and others
Respondents.

..

....

Mr. M.S. Karnik for the Appellant.

Mr. S.S. Kulkarni for Respondents 1 and 2.

Mr. H.S. Venegaokar for Respondent No.6.

....

CORAM: SWATANTER KUMAR, C.J. &
DR. D.Y. CHANDRACHUD, J.

28th August, 2007.

P.C. :

1. Counsel appearing for Respondent No.6 states that in furtherance to the order passed by the learned Single Judge, the Bank has already parted with the possession in favour of the debtor. Counsel appearing for the Petitioner contended that even as of today, the reasoned order passed by the learned Single Judge which has been challenged in the present Appeal is not available.

2. The Appeal is permitted to be withdrawn with liberty to file a proper appeal once reasons of the impugned conclusion are available to the Appellant. In the meanwhile, all steps taken till date and which may be taken hereafter shall be subject to the determination of the appeal that may be filed. The Appeal is accordingly disposed of.

Th Civil Application is rendered infructuous and is accordingly disposed of.

This order is without prejudice to the rights and contentions of the parties.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.